

sisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Heep Full Brand Red Sour Pitted Cherries \* \* \* Packed By Valley Fruit Canning Co. Seattle Wash."

On June 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3736. Misbranding of canned peaches. U. S. v. 275 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6554. Sample No. 71020-E.)**

This product fell below the standard of quality for canned peaches because of excessive peel and uneven trim. Furthermore, the labeling failed to name the optional ingredient present, i. e., yellow freestone halves.

On December 19, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 275 cases, each containing 24 cans, of peaches at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 12, 1941, by Nagle Packing Co. from Paducah, Ky.; and charging that it was misbranded. It was labeled in part: (Cans) "Real Treat Brand. Contents 1 Lb. 13 Oz. Halves. Home Style Yellow Peaches in Syrup."

The article was alleged to be misbranded (1) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common name of the optional peach ingredient present in such food; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 21, 1942, L. Cohen Grocer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

**3737. Misbranding of canned sliced peaches. U. S. v. 584 Cases of Canned Sliced Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6846. Sample No. 49836-E.)**

This product was substandard in quality because more than 20 percent of the units in the container were blemished and because all units were not untrimmed, or were not so trimmed as to preserve their normal shape.

On February 11, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 584 cases of canned sliced peaches at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by A. M. Beebe Co. from San Francisco, Calif.; and charging that it was misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard. It was labeled in part: "Renown Sliced Yellow Cling Peaches \* \* \* Packed By Fruitvale Canning Co."

On July 3, 1942, Fruitvale Canning Co., Oakland, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**GLACE FRUIT**

**3738. Adulteration of glace fruit. U. S. v. 3 Cans and 31 Cans of Glace Fruit. Consent decree of condemnation. Product ordered released under bond to be reconditioned. F. D. C. Nos. 6291, 6635. Sample Nos. 85093-E, 85104-E, 85122-E.)**

Hairs resembling rodent hairs and insect and worm fragments were found in samples taken from this product.

On November 27, 1941, and January 3, 1942, the United States attorney for the Western District of Washington filed libels against 34 cans of glace fruit at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 16 and November 7, 1941, by L. Demartini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Dandy-Mix-Diced Glazed Fruit 35 Lb. Net."

On April 18, 1942, the cases having been consolidated, and L. Demartini Co., claimant, having admitted all allegations of the libel with the exception of the allegation that the product had been prepared under insanitary conditions whereby it might have been contaminated with filth, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of in conformity with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

#### CANNED VEGETABLES

**3739. Adulteration and misbranding of canned asparagus. U. S. v. 72 Cases of Canned Asparagus. Default decree of condemnation and destruction. (F. D. C. No. 7513. Sample No. 95049-E.)**

Examination showed that this product consisted principally of the lower inedible portions of the asparagus sprout.

On May 14, 1942, the United States attorney for the Middle District of Alabama filed a libel against 72 cases, each containing 6 No. 10 cans, of asparagus at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about April 23, 1942, by National Brands Sales Corporation for W. J. Withers, Inc., San Francisco, Calif., from Alameda, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Packrite Brand Asparagus \* \* \* Packed by Manteca Canning Co., Manteca, California."

The article was alleged to be adulterated in that the lower inedible portions of the asparagus sprout had been substituted wholly or in part for edible asparagus.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it did not consist of the edible portions of sprouts of the asparagus plant.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3740. Adulteration of canned green beans. U. S. v. 180 Cases and 121 Cases of Green Beans. Default decree of destruction. (F. D. C. No. 6677. Sample Nos. 67632-E, 67633-E.)**

This product was in whole or in part decomposed.

On or about January 22, 1942, the United States attorney for the Western District of Missouri filed a libel against 301 cases, each containing 24 No. 2 cans, of green beans at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Good Canning Corporation from Fort Smith, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Dependable [or "Mrs. Lane's"] Cut Stringless Green Beans \* \* \* Packed By Good Canning Corporation [or "Foodland Inc. Distributors Cleveland, Ohio"]."

On April 10, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**3741. Adulteration of canned pork and beans. U. S. v. 2,077 Cases of Canned Pork and Beans. Consent decree ordering the product released under bond to be reconditioned. (F. D. C. No. 7061. Sample Nos. 17367-E, 17368-E.)**

Examination showed that this product was undergoing progressive decomposition.

On March 19, 1942, the United States attorney for the District of Utah filed a libel against 2,077 cases, each containing 6 No. 10 cans, of pork and beans at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about February 16 and 17, 1942, by Griffin Grocery Co. from Muskogee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Polar Bear \* \* \* Pork and Beans with Tomato Sauce."

On April 13, 1942, Griffin Grocery Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be separated, sorted, and disposed of in compliance with the law. The cans containing decomposed material were segregated and destroyed.